

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 634 of 2024

With

Compounding Application No. 3 of 2024

Pappu Singh and others Revisionists

Vs.

State of Uttarakhand and others Respondents

Present : Mr. Lalit Sharma, Advocate for the revisionists.
Mr. Pankaj Joshi, AGA for the State.
Ms. Sameeksha Negi, Advocate for the respondent nos. 2, 3 & 4.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this revision has been made to the followings on the basis of amicable settlement between the parties:

(i) Judgment and order dated 25.02.2016, passed in Criminal Case No. 1056 of 2011, State v. Pappu Singh and others, by the Court of Additional Judicial Magistrate, Khatima, District Udham Singh Nagar ("the case"). By it, the revisionists have been convicted under Sections 323 and 325 IPC and have been sentenced as follows:-

(a) Under Section 323 IPC – rigorous imprisonment for a period of six months.

(b) Under Section 325 IPC – rigorous imprisonment for a period of two

years and a fine of Rs. 500/- each and in default of payment of fine, to undergo additional imprisonment for a period of one month; and

- (ii) Judgment and order dated 06.08.2024 passed in Criminal Appeal No. 53 of 2016, Pappu Singh and others v. State of Uttarakhand, by the court of 2nd Additional District and Sessions Judge, Rudrapur, District Udham Singh Nagar ("the appeal"). By it, the appeal has been dismissed and the judgment and order passed in the case has been affirmed.

2. A joint compounding application (IA No. 3 of 2024) has been filed along with the affidavits.

3. Heard learned counsel for the parties and perused the record.

4. Learned counsel for the revisionists would submit that the parties are relatives; they have settled the dispute amicably.

5. It is argued that one injured Karnail Singh is present before the Court, but another injured Satpal Singh and the informant Jasveer Kaur have died and their son Harjinder Singh is present in the Court.

6. The revisionist no. 1 is stated to be in jail. The revisionist no. 2 & 3, injured Karnail Singh and Harjinder Singh are present in person duly identified by their respective counsel. They

have verified the contents of the compounding application and stated that they have settled the dispute amicably.

7. Having considered, this Court is of the view that it is a case which may be decided on the basis of amicable settlement between the parties. Accordingly, the revision deserves to be allowed; the impugned judgments and orders deserve to be set aside and the revisionists are liable to be acquitted of the charge under Sections 323 and 325 IPC.

8. Accordingly, the revision is allowed. The impugned judgements and orders are set aside. The revisionists are acquitted of the charge under Sections 323 and 325 IPC.

9. The revisionist no. 1 is in jail. Let he be set free forthwith, if not wanted in any other case.

10. Compounding Application No. 3 of 2024 stands disposed of, accordingly.

(Ravindra Maithani, J.)
19.12.2024

Avneet/